

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
v.                            )                                   No. 4:03-CR-417 CAS  
                                )  
TERRANCE EVERETT FULLER, )  
                                )  
Defendant.                 )

**ORDER**

This matter is before the Court on defendant Terrance Everett Fuller's Motion for a New Trial based on newly discovered evidence. The motion will be denied as untimely.

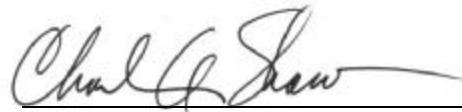
**Discussion.**

In July 2003, defendant Fuller was indicted for conspiracy to distribute in excess of five kilograms of cocaine. On December 1, 2003, defendant's trial on the charge began. On December 11, 2003, the jury returned a verdict of guilty. See Doc. 332.

A motion for new trial based on newly discovered evidence must be filed within three years after the verdict or finding of guilty. Rule 33(b)(1), Fed. R. Crim. P. In this case, more than three years has passed since the verdict was returned, as the motion for new trial was filed on August 22, 2007. As a result, the motion for new trial is untimely and must be denied.

Accordingly,

**IT IS HEREBY ORDERED** that defendant Terrance Everett Fuller's Motion for a New Trial is **DENIED** as untimely. [Doc. 522]



**CHARLES A. SHAW  
UNITED STATES DISTRICT JUDGE**

Dated this 30th day of August, 2007.